

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:  
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## PCT

### NOTIFICATION OF TRANSMITTAL OF INTERNATIONAL PRELIMINARY EXAMINATION REPORT

DSR

(PCT Rule 71.1)

Date of Mailing  
(day/month/year)

Applicant's or agent's file reference

619040-5

#### IMPORTANT NOTIFICATION

International application No.

International filing date (day/month/year)

Priority date (day/month/year)

PCT/US01/41896

27 August 2001 (27.08.2001)

25 August 2000 (25.08.2000)

Applicant

INTELLOCITY USA, INC.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices)(Article 39(1))(see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

DOCKETED SUPPLEMENTAL IDS

REMINDER: 2/9/05

FINAL DUE DATE: 3/9/05

57717-20012.00

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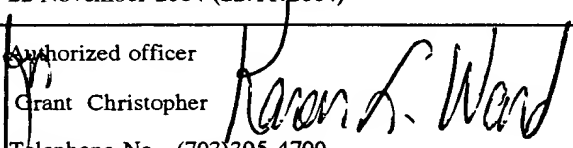
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# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference <b>619040-5</b>	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. <b>PCT/US01/41896</b>	International filing date (day/month/year) <b>27 August 2001 (27.08.2001)</b>	Priority date (day/month/year) <b>25 August 2000 (25.08.2000)</b>
International Patent Classification (IPC) or national classification and IPC <b>IPC(7): H04N 5/455; 7/173 and US Cl.: 725/131,142,151; 348/584-592</b>		
Applicant <b>INTELLOCITY USA, INC.</b>		
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>3</u> sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of <u>3</u> sheets.</p> <p>3. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> <li>I <input checked="" type="checkbox"/> Basis of the report</li> <li>II <input type="checkbox"/> Priority</li> <li>III <input type="checkbox"/> Non-establishment of report with regard to novelty, inventive step and industrial applicability</li> <li>IV <input type="checkbox"/> Lack of unity of invention</li> <li>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</li> <li>VI <input type="checkbox"/> Certain documents cited</li> <li>VII <input type="checkbox"/> Certain defects in the international application</li> <li>VIII <input type="checkbox"/> Certain observations on the international application</li> </ul>		
Date of submission of the demand <b>20 March 2002 (20.03.2002)</b>	Date of completion of this report <b>22 November 2004 (22.11.2004)</b>	
Name and mailing address of the IPEA/US Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230	Authorized officer  Grant Christopher Telephone No. (703) 305-4700	

Form PCT/IPEA/409 (cover sheet)(July 1998)

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# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US01/41896

## I. Basis of the report

### 1. With regard to the elements of the international application:\*

- ☐ the international application as originally filed.
- ☒ the description:  
 pages 1-12 as originally filed  
 pages NONE, filed with the demand  
 pages NONE, filed with the letter of \_\_\_\_\_.
- ☒ the claims:  
 pages 13-14, as originally filed  
 pages NONE, as amended (together with any statement) under Article 19  
 pages NONE, filed with the demand  
 pages 13-15, filed with the letter of 14 July 2003 (14.07.2003).
- ☒ the drawings:  
 pages 1-8, as originally filed  
 pages NONE, filed with the demand  
 pages NONE, filed with the letter of \_\_\_\_\_.
- ☐ the sequence listing part of the description:  
 pages NONE, as originally filed  
 pages NONE, filed with the demand  
 pages NONE, filed with the letter of \_\_\_\_\_.

### 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

### 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in printed form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

### 4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages NONE
- ☐ the claims, Nos. NONE
- ☐ the drawings, sheets/fig NONE

### 5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.  
PCT/US01/41896**V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. STATEMENT**

Novelty (N)	Claims <u>1-10</u>	YES
	Claims <u>NONE</u>	NO
Inventive Step (IS)	Claims <u>1-10</u>	YES
	Claims <u>NONE</u>	NO
Industrial Applicability (IA)	Claims <u>1-10</u>	YES
	Claims <u>NONE</u>	NO

**2. CITATIONS AND EXPLANATIONS**

Claims 1-10 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest the claimed features.

Considering amended claims 1, 4 & 5, prior art generally teaches operating a PC with the functionality of set top box. In particular, the previously cited Butler GB22327837 A, clearly teaches general STB functionality within a PC device, see pg. 5, lines 2-17; pg. 7, lines 17-22 & pg. 8, lines 9-20. Butler furthermore teaches that that an overlay of HTML data may be displayed over a video broadcast using a predetermined background key color, as argued by applicant in correspondence filed 7/14/2003. The reference does not explicitly teach that the background or transparent color is chosen based upon a color not being used by the HTML or interactive content.

However, McCoy teaches a well-known technique for using chroma-key for substituting foreground/background images, thereby transparently overlaying the foreground image on top of the background image. Specifically, the reference teaches that the system detects that colors that are already being utilized in a background of a picture and avoids those colors in the foreground, see col. 3, lines 25-67 & col. 4, lines 1-45, which does not meet the claimed limitation.

Thus, the combination of references do not teach or reasonably suggest the claimed features of, 'examining said interactive content to select a color that is not being used by said interactive content, assigning said color as a transparent color; locating said video content in said enhanced video stream to generate video content location data; and setting portions of said enhanced content corresponding to said content location as said transparent color'.

Claims 2-3 & 6-10, depend from claims 1, 4 & 5, and are thus likewise analyzed.

----- NEW CITATIONS -----  
US 4,408,221 A (McCOY) 04 October 1983. Abstract; col. 3, lines 25-67; col. 4, lines 1-45.

1. A method of emulating the functions performed by a set-top box to display an enhanced video stream on a computer, said enhanced video stream includes, a combination of video content and interactive content comprising:

generating a layout file that provides time based actions that are applied to said video content and said interactive content and that can be translated and viewed through a set-top box;

applying a set of rules to said layout file that produces instructions that emulate the functionality of a set-top box when applied to a browser;

examining said interactive content to select a color that is not being used by said interactive content;

assigning said color as a transparent color;

locating said video content in said enhanced video stream to generate video content location data; and

setting portions of said enhanced content corresponding to said video content location data as said transparent color.

2. The method of claim 1 further comprising:

accessing various portions of said layout file in a random fashion to check proper layout of said layout file and make modifications.

3. The method of claim 1 further comprising:

publishing said enhanced video stream after said layout file has been checked and modified.

4. A system for emulating the functions of a set-top box to display an enhanced video stream on a computer that includes a combination of video content and interactive content comprising:

interactive television producer code that is capable of generating said enhanced video stream that can be translated and viewed through a set-top box;

a storage device coupled to receive said enhanced video stream from said interactive producer code and store a file; and

emulation code that generates a layout file, applies a set of rules to said layout file that produces instructions that emulate the functionality of a set-top box when applied to a browser, examines interactive content in said layout file to select a color not being used, sets said selected color to be transparent in said interactive content, locates video content in said layout file and generates video content layout data and sets portions of said enhanced content that corresponds to said video content layout to be transparent.

5. A storage medium containing emulation code that emulates the functions performed by a set-top box to display an enhanced video stream on a computer, said enhanced video stream including a combination of video content and interactive content, said emulation code performing the following functions:

generating a layout file that provides time based actions that are applied to said video content and said interactive content and that can be translated and viewed through a set-top box;

applying a set of rules to said layout file that produces instructions that emulate the functionality of a set-top box when applied to a browser;

examining said interactive content to select a color that is not being used by said interactive content;

assigning said color as a transparent color;

locating said video content in said enhanced video stream to generate video content location data; and

setting portions of said enhanced content corresponding to said video content location data as said transparent color.

6. A method of emulating the functions performed by a set-top box to display an enhanced video stream on a computer, said enhanced video stream includes, a combination of video content and interactive content comprising:

generating a layout file that provides time based actions that are applied to said video content and said interactive content and that can be translated and viewed through a set-top box;

applying a set of rules to said layout file that produces instructions that emulate the functionality of a set-top box when applied to a browser; and

accessing various portions of said layout file in a random fashion to check proper layout of said layout file using said browser.

7. The method of claim 1 or 6 wherein said layout file is XML compliant.

8. The method of claim 1 or 6 wherein said step of applying a set of rules further comprises:

applying an XSL parser.

9. The method of claim 1 or 6 further comprising the step of:

verifying a navigation link.

10. The method of claim 1 or claim 6 further comprising the step of:

positioning and sizing a media object to match an area designated as a transparent color.